

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

<p>Walter Krantz,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CLI, Inc., f/k/a Keller Ladders, Inc., f/k/a KUA Corp., f/k/a Keller Industries, Inc., and Keller Industries, Inc.,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No.: 6:09-1623-HFF</p> <p style="text-align: center;"><b>CONSENT AMENDED SCHEDULING ORDER</b></p>
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Whereas a Scheduling Order was entered by this Court on September 17, 2009, the parties have been engaged in a dispute as to the proper identification of the defendant and have consequently had difficulties in identifying the manufacturer of the subject product, which is the subject of this lawsuit, such that the Rule 26(f) Conference was delayed until November 13, 2009. As a result, the parties request that the current Conference and Scheduling Order be amended as follows:

2. No later than **December 7, 2009** the required initial disclosures under Fed.R.Civ.P. 26(a)(1) shall be made.<sup>3</sup>
3. No later than **December 7, 2009** the parties shall file a Rule 26(f) Report in the form attached to the Court's original Conference and Scheduling Order entered September 17, 2009.
4. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **January 11, 2010**.<sup>4</sup>
5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and

<sup>3</sup> Pursuant to Fed.R.Civ.P 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed.R.Civ.P 29 and Local Civil Rule 29.01

<sup>4</sup> As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **January 31, 2010**.

6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **March 4, 2010**.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **May 3, 2010**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).
8. Discovery shall be completed no later than **June 11, 2010**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.
9. Motions in limine must be filed at no later than **September 13, 2010**. Written responses are due five (5) days thereafter.
10. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **June 30, 2010**. (Fed. R. Civ. P. 16(b)(2)).
11. Mediation shall be completed in this case on or before **August 29, 2010**. See the Mediation Order filed in this case which sets forth mediation requirements.
12. No later than **September 11, 2010** the parties shall file and exchange Fed.R.Civ.P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed.R.Civ.P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed.R.Civ.P. 32(a)(4).
13. Parties shall furnish the Court pretrial briefs five (5) business days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07.

14. This case is subject to being called for jury selection and/or trial on or after **October 4, 2010**.

**s/Henry F. Floyd**  
Henry F. Floyd  
United States District Judge

Date: **December 8, 2009**  
Florence, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

**WE CONSENT:**

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